Opening Statement of the Honorable John Shimkus
Subcommittee on Environment and the Economy
Legislative Hearing on "Federal and State Partnership for Environmental Protection Act of 2013;" the "Reducing Excessive Deadline Obligations Act of 2013;" and the "Federal Facility Accountability Act of 2013."
May 17, 2013

(As Prepared for Delivery)

Here in the Environment and the Economy Subcommittee our goal is to modernize some of these environmental laws that we oversee and make sure the states are playing a significant role in implementing them. To do that, we began this Congress with a hearing on the role of the states in protecting the environment. State environmental protection officials shared their experience and expertise with us and helped us better understand the complex partnership between the states and the federal government as states implement federal laws, such as the Solid Waste Disposal Act and EPA implements the Comprehensive Response, Compensation, and Liability Act (CERCLA or Superfund law), and the relation to state environmental protection laws.

Today we consider three bills that are a logical outgrowth of that discussion.

One, the Federal Facility Accountability Act, would bring the CERCLA waiver of sovereign immunity into conformity with the Solid Waste Disposal Act and for that matter, the Clean Air Act, by requiring that all federal superfund sites comply with the same state laws and regulations as a private entity. This is not a new concept. Legislation has been introduced previously by my friends across the aisle to ensure that federal agencies comply with all federal and state environmental laws.

The second bill, "The Federal and State Partnership for Environment Protection Act" does exactly what the title implies and would go a long way toward making the states partners with EPA in cleaning up hazardous waste sites. CERCLA is implemented by EPA, but often states are in the best position to understand the sites in their state. This bill would allow states to play a larger role in the CERCLA process in several ways. The bill would allow states to list a site it believes needs to be on the National Priorities List every five years and would provide transparency to the states if they suggest a site for listing.

The bill would also allow states to be consulted before EPA selects a remedial action. The states are on the front lines and understand at the ground level how to prioritize in taking environmental action within their state and they often come up with innovative solutions that better fit the local problem. We heard examples in our earlier hearing on the "Role of the States in Protecting the Environment." CERCLA is a key example of a statute passed more than 30 years ago that we are in the perfect position to now update and strengthen the federal-state partnership and get these sites cleaned up.

Besides, the states are required to sink their own money in these cleanup projects and while we understand there are budget constraints at all levels of government, if states have a significant cost they should have more of a say in how the cleanup money is spent.

Continuing the theme of updating environmental statutes passed in the 70s and 80s, the third bill, "the Reducing Excessive Deadline Obligations (REDO) Act of 2013" would give EPA flexibility by correcting a couple of arbitrary action deadlines that were written into the Solid Waste Disposal Act and CERCLA years ago. The mandate that EPA review and, if necessary, revise all RCRA regulations every three years has proven unnecessary and unworkable. The bill would allow the administrator to review and, if necessary, revise regulations as she thinks appropriate. It also reduces a requirement that only seems to be good for generating lawsuits against EPA.

The bill also lifts an action deadline in CERCLA requiring EPA to identify, prior to 1984, classes of facilities for which to develop financial assurance regulations. More than 30 years passed without action from EPA. As we approach the 30th Anniversary of the original deadline in CERCLA, a lawsuit and court

order finally prompted EPA action a few years ago. However, the states have long since acted, putting in place strong financial assurance requirements of their own. That is why the bill also provides that if EPA does get around to establishing federal financial assurance regulations, the states requirements would not be preempted.

We regret that it was not possible for a friend of this committee, the Honorable Mathy Stanislaus, Assistant Administrator of EPA, to be with us today, but we welcome his written statement and will consult with him and his staff as these bills progress through the legislative process. Throughout that process we also welcome suggestions of our witnesses today and of other experts in the field.

I want to lastly thank our witnesses for being with us today and appreciate their willingness to travel to Washington to share your opinions on the three bills before us.

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